

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

MISC. CIVIL APPLICATION NO.74 OF 2004

Mrs. Manisha Shyam Pandit ... Applicant

V/s

Mr. Shyam Sadashiv Pandit ... Respondent

Mr. Uday Warunjikar for the applicant.

Mr. Bhate for the respondent.

CORAM: P.V. KAKADE, J.

DATED: 19TH OCT., 2004.

P.C.:

1. Heard learned counsel for both parties. Perused the record.

2. Rule. Rule made returnable forthwith.

3. This is an application under Sec. 24 of the Code of Civil Procedure filed by the applicant wife for transfer of Petition No. A-643 of 2004 filed by the respondent before the Family Court, Mumbai to the Family Court, Pune on the ground that she find it difficult to attend the Mumbai Court time and again especially with child of two years' of age. She has also stated in her

application that the respondent is financially well off and has no liability and, therefore, he can attend the Family Court, Pune for the said proceeding as and when required.

As against this, the learned counsel for the respondent submitted that the allegations made in the application are not correct and the applicant is living immoral life and in fact she travels with her paramour without her child whenever she attends Mumbai Court. In this regard, I must note that this Court is not adjudicating the impugned petition, which is for nullity of marriage filed by the respondent, on merits and, therefore, without any substantial supportive evidence this Court cannot consider such allegations levelled against the applicant in this proceeding. Be that as it may, I am satisfied that the ends of justice would be met if the matter is transferred to Pune Court with direction to the learned Family Court Judge, Pune to fix the dates for hearing peremptorily so as to complete the matter within a short period and without any undue delay. It is also necessary to mention that it will be more convenient for the respondent to travel to Pune than for the applicant to travel to Mumbai with her two years' old child on every date fixed by the Family Court,

Mumbai.

Hence, it is hereby directed that Petition No. A-643 of 2004 filed by the respondent for nullity of marriage between the parties pending at Family Court, Mumbai, stands transferred to the Family Court, Pune, with immediate effect, with direction to the Principal Judge, Family Court, Pune, to fix the time bound programme in consultation with both parties so as to complete the adjudication on merits within six months in any case. Both parties shall appear before the Judge, Family Court at Pune for the said purpose on 29.11.2004.

R & P be transmitted to the Family Court, Pune.

With these directions, the application stands disposed of with no order as to costs.

Parties to act on the authenticated copy of this order.

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